

# **TENNESSEE BOARD OF DISPENSING OPTICIANS**

## **MINUTES**

**Date:** October 13, 2004  
**Time:** 11:45 A.M., CST  
**Location:** Tennessee Room  
Ground Floor, Cordell Hull Building  
425 Fifth Avenue, North  
Nashville, TN 37247

### **Board Members**

**Present:** Kelly Godsey, DPO, Chair  
Kathy Hawkins, DPO, Secretary  
Happy Moyer, DPO  
Edward Risby, Consumer Member  
Peggy Hannah, DPO  
Felda Stacey, DPO

### **Staff**

**Present** Joan Burk, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Rick Agee, Unit Director  
Barbara Maxwell, Administrative Director  
Robbie Bell, HRB Director

Mr. Godsey, chair, called the meeting to order at 11:51 a.m. All board members were present at the meeting.

Mr. Godsey welcomed the guests in the audience and asked Ms. Burk to distribute a sign in sheet for their signatures.

### **Election of New Officers**

Upon discussion of the election of new officers, Ms. Moyer made a motion, seconded by Ms. Hawkins, to re-elect Mr. Godsey as board chair. The motion carried.

Ms. Hannah made a motion, seconded by Ms. Moyer, to re-elect Ms. Hawkins as board secretary. The motion carried.

### **Disciplinary Coordinator**

Ms. Phelps reviewed the disciplinary report stating one person is currently being monitored. Ms. Phelps reviewed the list of all disciplined practitioners stating there have been 28 practitioners disciplined since 1981.

### **Investigative Report**

Ms. Phelps said the disciplinary report indicates nine (9) new complaints have been received year to date.

Mr. Godsey stated unlicensed practicing dispensing opticians are a top priority and asked Ms. Phelps if the board could get a more detailed report.

Ms. Phelps said the board could not receive detailed information regarding complaints as justified complaints would come before the board as a case hearing. Ms. Phelps also stated that practitioners working on a lapsed license would not come before the board since the board has a lapsed license policy.

### **Division Rules Coordinator**

Mr. Kosten stated the rule amendments being discussed at today's meeting were mailed to the board members in advance for their review. Mr. Kosten said the amendments to Rule 0480-1-.05, procedures for licensure, is to direct applicants to the internet instead of the telephone for applications and rules, and requires two letters of recommendation under the procedures for licensure.

Mr. Kosten stated the amendment to Rule 0480-1-.06, fees, is to delete the examination fee from the fee structure.

Mr. Kosten said nothing in Rule 0480-1-.08, examinations, prohibits the board from changing the questions on the examination or for having the examination conducted by a testing agency and not the board.

Mr. Godsey said the board is looking for an outside vendor to create the exam but not necessarily administer the exam.

Mr. Kosten said Rule 0480-1-.09, renewal of license, is amended to require an applicant whose license has expired for three years or more to apply, take and pass the examinations as required by the Board pursuant to Rule 0480-1-.08 prior to being considered for reinstatement.

Mr. Kosten said Rule 0480-1-.10, supervision, is amended to require licensed dispensing opticians to deliver contact lenses to the patient and inform of the potential need to return to the office of the ophthalmologist or optometrist to ascertain proper fitting and for follow-up care.

Mr. Kosten said Rule 0480-1-.11, retirement and reactivation of license, is amended to require an applicant whose license has been revoked, suspended, or retired for three years or more to apply, take and pass the examinations as required by the board pursuant to Rule 0480-1-.08 prior to being considered for reinstatement.

Mr. Kosten said Rule 0480-1-.12, continuing education, is amended to require licensees to maintain appropriate documentation for continuing education courses.

Mr. Kosten said Rule 0480-1-.14, apprenticeship training program, is amended to allow the board to disapprove an apprentice from an apprentice program if the apprentice is not serious about being licensed and require the apprentice to continue to submit semi-annual evaluation reports if the apprenticeship goes over the three year minimum requirement.

Mr. Kosten said Rule 0480-1-.22, guidelines for contact lenses, is amended to require dispensing opticians to inform contact lenses patients of the potential need to return to the office of the ophthalmologist or optometrist to ascertain proper fitting and for follow-up care.

### **Review and Approve Minutes as Written**

Ms. Moyer made a motion, seconded by Ms. Hannah, to approve the minutes as written. The motion carried.

### **Office of General Counsel – Conflict of Interest**

Ms. Armstrong reminded the members to disclose any interest they may have in matters coming before the board to determine if it would prohibit the member from making a non-biased decision.

### **Nicole Armstrong, Advisory Attorney**

Ms. Armstrong reviewed the Office of General Counsel Report which indicates that Rule 0480-1-.14, regarding the time limit an individual may remain in the apprenticeship program, became effective August 16, 2004.

Ms. Armstrong said Rule 0480-1-.15, regarding Orders of Modification and Compliance and personal appearances by disciplined licensees became effective November 6, 2004.

Ms. Armstrong said there are four open files pertaining to the Board of Dispensing Opticians in the Office of General Counsel, none of which are scheduled for presentation at today's meeting.

### **Financial Report**

Ms. Burk reviewed the financial report, which indicates the board has a surplus of \$158,211.

Ms. Burk informed the board that costs for the new RBS system and move will be subsidized by a percentage of funds from all Health Related Boards.

## **Administrative Report**

Ms. Burk said there are 811 active, 178 retired, 347 failed to renew dispensing opticians, along with 158 active apprentices. Ms. Burk said of the 135 renewed licenses 22 were renewed on line.

Ms. Burk stated she is in the process of writing letters to licensees who are in violation of the continuing education audit requirements.

Ms. Burk said the dispensing optician application has been revised and is under tab 10 for the board's review.

## **Discuss pre-testing before completion of application or passing of ABO/NCLE written exam**

Ms. Armstrong said pursuant to Rule 0480-1-.08, applicants must have a completed application on file, including the required credentials, forty-five (45) days prior to the date of the examination in order to be eligible to take the exam.

## **Discuss and take action on the Task Force findings pertaining to outsourcing the Practical Exam**

Ms. Moyer read the list of proposed criteria to be included in the practical examination process and said the task force was open to any additions or discussion on the criteria.

Mr. Godsey asked if the board allowed an outside vendor to create the practical examination could the board still administer the test.

Ms. Bell said the examination would be public if the board has the written answers, which is the problem with the board conducting the examination. Ms. Bell said the practical exam is less disconcerting as the board uses six lenses to conduct the exam.

Mr. Godsey stated the board needs to decide if they are going to rulemaking to create the exam or have an outside vendor create the exam.

Ms. Moyer said the board needs to get out of the testing business and have an outside vendor create and conduct the exam.

Ms. Bell said of the twenty-six (26) boards under Health Related Boards only two (2) conducts their own exam, A & D Abuse Counselors and Hearing Specialists which conduct oral exams.

Mr. Godsey said he is in favor of going through the process with Jerry and looking for an outside vendor.

Ms. Moyer made a motion, seconded by Ms. Hawkins, to add the proposed criteria to the job analysis with the intent of finding an acceptable outside vendor to give the practical exam. The motion carried.

Ms. Armstrong said the rule will return to the board for approval after the rulemaking hearing at which time items could be deleted. Ms. Armstrong stated it usually takes a year to get rules passed and the board's input is present at every step.

Ms. Hannah made a motion, seconded by Moyer, to send the rules to rulemaking hearing. The motion carried.

#### **Discussion of SEOC held in Atlanta August 20-22, 2004**

Ms. Burk said the continuing education approval request from the Southeastern opticians Conference was denied as the request was not received in accordance to Rule 0480-1-.12(2)(d)(6.), which requires the course provider to submit the request for course approval to the board at least thirty (30) days prior to a regularly scheduled meeting of the board that precedes the course.

Ms. Moyer said the chair of the SEOC was not aware of the rule change.

Ms. Armstrong said the rule was amended in July 2003 and that all boards require course approvals to be submitted prior to the course date. Ms. Armstrong said if the board wishes to change this requirement it would require a rulemaking.

#### **Discussion of notifying providers when rule changes affect the approval process**

Mr. Agree informed the board that all rule amendments are placed on line within ten (10) days of the effective date and providers can download the rules.

Mr. Kosten said the notices of rulemaking hearings and sets of the rules are on the internet by the rulemaking date. Mr. Kosten said you can access rulemaking hearings and rules and regulations at [Tennessee.gov/health](http://Tennessee.gov/health).

Ms. Armstrong said it's not practical or probable to send every provider or licensee rule amendments and that it's up to the licensee to keep up with the rules.

#### **Review revised application for Dispensing Optician**

Ms. Armstrong reviewed the amended application with the board stating the amendments apply to the 5250 hour apprenticeship, three year supervised training in another state and the elimination of page six (6) of the application.

Ms. Hawkins stated she would like to delete "jeweler" and "Optician" on the second page of the application where it asks for types of establishment or office.

Ms. Armstrong said the amended application will go before the review committee for review and approval.

**Schedule 2005 Board Meeting Dates**

January 11, 2005  
Cumberland Room

March 30, 2005  
Cumberland Room

June 8, 2005  
Cumberland Room  
October 5, 2005  
Cumberland Room

**Review and ratify new licenses, files, reinstatements, etc.**

Newly licensed:

Ms. Moyer made a motion, seconded by Ms. Hawkins, to ratify the following newly licensed dispensing opticians:

Teresa Bailey  
Terrell Lee Flanary  
Pamela Denise Groves  
Mandy Marie Marvel

The motion carried.

Files to be approved:

Ms. Hawkins made a motion, seconded by Ms. Moyer to approve the following files:

Cheryl Ann Devaney  
Theresa Legault  
Timothy Wears  
Jessica Cross  
Rebecca Daniel  
Keri Pauley  
Patricia Coleman  
Steven Hamil, Jr.  
Melanie Daniels  
Jonathan Winnegrad

The motion carried.

Reinstatements:

Ms. Moyer made a motion, seconded by Ms. Hannah, to approve the following reinstatements:

Kimberly Patten  
Janie L. Webber  
Mark Anthony Marlow

Esther Evans – must retake the exam before consideration for reinstatement.

The motion carried.

Individual/Provider Request for Continuing Education:

Vision Council of America - Denied  
Letter sent denying request as no dates, hours or locations of the courses were defined.

C.E.D.O. - Approved  
February 27, 2005 – Knoxville, TN  
March 20, 2005 – Nashville, TN

C.E.D.O. – Denied  
Letter sent denying request as no material received until July 28, 2004 which was after the June 4, 2004 board meeting.

National Academy of Opticianry - Approved  
October 23-24, 2004 – Orlando, FL

Opticians Association of America – Approved  
October 21-24, 2004 – Lexington, KY

Costco Optical – Approved with the exception of four (4) hours on Florida law.  
October 20-21, 2004 – Orlando, FL

The Learning Curve – Approved  
November 14, 2004 – Cookeville, TN

Southeastern Opticians Conference – Deny  
Letter sent denying request as no material received until June 14, 2004 which was after the June 4, 2004 board meeting.

Professional Opticians of Florida – Deny  
Letter sent denying request as no material received until October 7, 2004 which was after the September 1 deadline date.

Frank C. Norwood – Deny  
Courses not ABO/NCLE approved.

Tennessee Dispensing Opticians Association – Approved  
Due to illness, speaker changed for the October 3, 2004.

Schedule to Test:

Bethanne Brewer  
Sherry Hardebeck  
Valeri Samantha Markos  
Dixie Armstrong  
Connie Rooks  
Daniel Joseph Waine  
Patsy A. Best  
Barbara Boldea  
Dan Adams  
Ellen Wade

The motion carried.

**Correspondence**

The board discussed a letter from Roy Ferguson informing the board that he maintains continuing education courses for licensed opticians who attend his seminars for five (5) years.

The board discussed another letter from Roy Ferguson regarding the board being notified when there is a change in speaker, course or course date.

Ms. Armstrong discussed the letter from Jody Warner, National Academy of Opticianry, regarding a home study program meeting the qualifications for an apprenticeship program.

Ms. Armstrong said the program is not an approved program and asked the board if they have accepted coursework other than by an approved college or program.

Mr. Godsey stated the board does not accept coursework other than by an approved college or program.

**Ratify Closed Files**

Upon review, Ms. Hawkins made a motion, seconded by Ms. Moyer, to ratify the following list of closed files.

Jennifer Amalfitano  
H. Douglas Ball  
Henry Brainard



Carol Brooks  
Tracy Bryan Brown  
Catherine Ann Chadwick  
Sharon K. Crossnoe  
Jeremy DeLoach  
Gary Erving  
Drema Feezzel  
Travis Seth Harmon  
Eric Helwig  
Deborah Hobson  
Karl E. Hohensee  
Bradley G. Holt  
Karen Hurst  
Rebecca Jacobi  
Ricki Ray Lindsey  
Charles Mangrum  
Sheila McLeroy  
Jeanie McKamey  
Raven Nicole Mitchell  
Rita J. Schrader  
Gemetric T. Thomas  
Brenda Tittsworth

The motion carried.

Ms. Hawkins said she was very pleased to get the package Ms. Burk sent the board members prior to the board meeting and commended her on her efforts. Ms. Hawkins thanked Ms. Burk, Ms. Armstrong and administration for their help.

Mr. Godsey said he wanted more communication about the agenda and asked Joan to send him a draft of the agenda before it is mailed in case changes need to be made.

With no other board business to conduct, Mr. Godsey made a motion, seconded by Ms. Hannah to adjourn. The motion carried and the meeting adjourned at 4:20 p.m.

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